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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Toll Free Service Access Codes) CC Docket No. 95-155

PETITION FOR RECONSIDERATION AND CLARIFICATION

Sprint Communications Company, L.P. hereby respectfully submits its "Petition for Reconsideration and Clarification" of the Commission's April 11, 1997 *Second Report and Order* in the above-captioned proceeding. As discussed below, the Commission's requirement that toll free service providers have an identified customer before reserving a toll free code is a cumbersome requirement which hampers the sales and marketing activities of toll free service providers. Warehousing of toll free numbers can be prevented equally well, and less intrusively, by requiring RespOrgs to have an identified subscriber for a toll free number by the expiration of the 45-day reservation period. In addition, Sprint requests clarification of several requirements set forth in the *Second Report and Order*.

I. RESPORGs SHOULD NOT BE REQUIRED TO HAVE AN IDENTIFIED SUBSCRIBER BEFORE RESERVING A TOLL FREE NUMBER.

The Commission has adopted a rule which defines warehousing as "the practice whereby Responsible Organizations...reserve toll free numbers from the Service Management System database without having an actual toll free subscriber for whom those numbers are being reserved" (Section 52.105(a)). In order to prevent warehousing, the Commission has required that a RespOrg have "an identified subscriber agreeing to be billed for service associated with the toll free number" when it reserves the number (Sections 52.105(c) and (d); see also, *Second*

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Report and Order, para. 25). RespOrgs “will not be permitted to obtain numbers from the database and then offer them to a variety of potential toll free subscribers” (para. 25).

Sprint fully supports the intent of the Commission’s actions here, and agrees that warehousing is an unreasonable practice which prevents legitimate users from obtaining toll free numbers on an equitable basis and leads to the premature exhaustion of a limited and valuable public resource. However, Sprint believes that the Commission’s requirement that a RespOrg have an identified subscriber before it reserves a toll free number is excessive and unnecessary, and recommends that the Commission instead adopt a requirement that a RespOrg have an identified subscriber for a toll free number by the expiration of the 45-day reservation period associated with that number. A RespOrg which does not have an identified subscriber for a toll free number at the end of that 45-day period would be required to return that toll free number to spare status. As shown below, this substitute requirement will serve the Commission’s goal of preventing warehousing of toll free numbers as effectively and more efficiently than the existing rule, and thus is in the public interest.

Sprint believes that it is not uncommon, under existing rules, for service providers to reserve a block of toll free numbers which are subsequently offered to potential subscribers. It is inefficient to require a sales representative to submit a reservation request to the SMS each time a sale is made, especially to a small customer who is subscribing to only a single toll free number. Moreover, as the Commission elsewhere recognized, many customers prefer to choose from an array of numbers, and it is sometimes easier to close a sale if the service provider is able to offer a potential customer several numbers from which to choose. It is simpler, faster, and more cost effective for a service provider to reserve a block of toll free numbers from the SMS database in a single batch process, and allow individual sales representatives to immediately assign a new

customer a number from this internal pool of previously reserved toll free numbers. It may also be a more efficient use of the toll free database to process requests in batch form; for example, data links may be less congested if toll free number reservation requests submitted by the same RespOrg are handled in bulk rather than one at a time.

The Commission adopted the rule requiring an identifiable customer prior to reservation of a toll free number in order to prevent warehousing of these numbers. This intent is a reasonable one which, as noted above, Sprint fully supports. However, this same goal can be achieved by requiring that a RespOrg have an identifiable customer prior to expiration of the 45-day reservation period. While allowing a RespOrg up to 45 days to secure an identifiable customer does make those numbers unavailable for a slightly longer period than might be the case under the rule adopted by the Commission, any additional time spent in reserve status is unlikely to be a significant problem or to contribute to premature exhaust of the toll free resource. Moreover, the need for a requirement as strict as the one adopted by the Commission is mitigated by the Commission's other actions in this proceeding to prevent warehousing. For example, it will be more difficult for a RespOrg to warehouse numbers given the reduced reservation period, the prohibition on extending the reservation period, and the cap on the total quantity of numbers each RespOrg may reserve.

Sprint's recommended rule changes are included as Attachment 1.

II. CLARIFICATION OF SEVERAL REQUIREMENTS IN THE *SECOND REPORT AND ORDER* IS WARRANTED.

Sprint also requests that the Commission clarify the following rules and requirements set forth in the *Second Report and Order*:

1. The Commission has directed DSMI, and any successor toll free administrator, “to monitor reserved numbers that are being automatically recaptured after 45 days and to submit regular reports to the Common Carrier Bureau, indicating which RespOrgs repeatedly reserve toll free numbers without having an identified subscriber” (para. 29). It is possible that a RespOrg may return a reserved number to spare after 45 days, and then re-reserve that same number on the 46th day, for legitimate business reasons (*e.g.*, the RespOrg reserves several numbers from which an identified subscriber may choose; the numbers not chosen are returned to spare, and the RespOrg re-reserves one of those numbers for another customer). The act of re-reserving a number is not necessarily evidence that the RespOrg is attempting to warehouse a number, and RespOrgs should not be automatically subject to sanction for such action. Moreover, it is not clear how DSMI would be able to determine that a number was “automatically recaptured” (as opposed to re-reserved for another customer) or that a RespOrg “repeatedly reserves toll free numbers without having an identified subscriber.” Therefore, Sprint requests that the Commission clarify how it expects DSMI to comply with this directive and what evidence DSMI is expected to obtain and present to prove that a RespOrg is securing numbers when it does not have an identified subscriber for those numbers.

2. The Commission has concluded that “there shall be no extension of the reservation period after expiration of the initial 45-day interval” (Section 52.103(b); see also para. 50). As noted above, there may be legitimate reasons why a RespOrg may re-reserve a number which

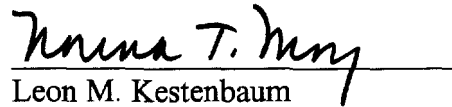
has just been returned to spare (*e.g.*, the RespOrg has another customer for that number). Sprint therefore requests that the Commission clarify that re-reservations are allowable so long as the RespOrg has a different customer for that toll free number. If the Commission accepts Sprint's petition for reconsideration, and simply requires that a RespOrg have an identified customer for a number by the expiration of the reservation period, a RespOrg would be allowed to re-reserve a number which it had just returned to spare only if it has a specific customer request for that number.

3. The Commission has concluded that a RespOrg may not "retrieve a number from disconnect status and return that number directly to working status at the expiration of the 4-month disconnect interval." Upon expiration, all numbers in disconnect status "must go directly into the spare category" (Section 53.103(d); see also para. 54). Once a number goes spare, it cannot be "retrieved"; it can only be reserved. Any number in spare should be available to any RespOrg which has a customer for that number (including the RespOrg which put the number in disconnect status). Therefore, Sprint requests that the Commission clarify what the prohibition on "retrievals" is intended to encompass.

There also may be situations in which there exists a legitimate reason for re-reserving a number which has just moved from disconnect to spare status, for the same customer to whom the number was previously assigned. For example, a RespOrg which disconnected a number for non-payment may wish to subsequently re-activate that number (re-reserving it, if the 4-month disconnect interval has expired) upon resolution of the debt problem. Given that a RespOrg may need to re-reserve a number for the previous customer, Sprint requests that the Commission clarify that re-activation of a number for the same customer who previously held that number is not a *per se* violation of the Commission's prohibition on warehousing toll free numbers.

Respectfully submitted,

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ATTACHMENT 1
PROPOSED REVISED RULES

Section 52.105 Warehousing.


- (a) As used in this section, warehousing is the practice whereby Responsible Organizations, either directly or indirectly through an affiliate, retains a toll free number without having an identified toll free subscriber for that number by the expiration of the reservation period.
- (b) Responsible Organizations shall not warehouse toll free numbers. There shall be a rebuttable presumption that a Responsible Organization is warehousing toll free numbers if:
 - (1) the Responsible Organization does not have an identified toll free subscriber agreeing to be billed for service associated with each toll free number reserved from the Service Management System database by the expiration of the reservation period; or
 - (2) the Responsible Organization does not have an identified toll free subscriber agreeing to be billed for service associated with a toll free number before switching that toll free number from reserved or assigned to working status.
- (c) Responsible Organizations shall return a toll free number to spare status if there is not an identified toll free subscriber requesting that toll free number by the expiration of the reservation period.
- (d) A Responsible Organization's act of retaining a number from the Service Management System database after expiration of the reservation period shall serve as that Responsible Organization's certification that there is an identified toll free subscriber agreeing to be billed for service associated with the toll free number.

(e) **Tariff Provision.** The following provision shall be included in the Service Management System tariff and in the local exchange carriers' toll free database access tariffs:

[T]he Federal Communications Commission ("FCC") has concluded that warehousing, which the FCC defines as Responsible Organizations, either directly or indirectly through an affiliate, retaining toll free numbers without having an identified toll free subscriber for those numbers by the expiration of the reservation period, is an unreasonable practice under Section 201(b) of the Communications Act and is inconsistent with the Commission's obligation under Section 251(e) of the Communications Act to ensure that numbers are made available on an equitable basis; and (2) if a Responsible Organization does not have an identified toll free subscriber agreeing to be billed for service associated with each toll free number at the expiration of the reservation period, or if a Responsible Organization does not have an identified, billed toll free subscriber before switching a number from reserved or assigned to working status, then there is a rebuttable presumption that the Responsible Organization is warehousing numbers. Responsible Organizations that warehouse numbers will be subject to penalties.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Reconsideration of Sprint Communications Co. LP was Hand Delivered or sent by United States first-class mail, postage prepaid, on this the 27th day of May, 1997 to the below-listed parties:


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